

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**RALPH BARBA, JR.**  
**Plaintiff**

**vs.**

**U.S. FOODSERVICE, Inc.**  
**Defendant**

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**Civil Action No. 2:11CV-0254-DF\_  
JURY**

**AGREED STIPULATION OF DISMISSAL**

Plaintiff Ralph Barba, Jr. and Defendant US Foods, Inc., f/k/a U.S. Foodservice, Inc., pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1), file this Stipulation of Dismissal as follows:

**I.**

Plaintiff Ralph Barba, Jr. ("Plaintiff") sued U.S. Foodservice, Inc. ("Defendant").

**II.**

Plaintiff asks this court to sign an order of dismissal on all of Plaintiff's claims with prejudice to refiling against Defendant.

**III.**

All parties in this matter have conferred and agree to this Stipulation of Dismissal.

Respectfully submitted,

/s/ **Bradley T. Steele**

**Bradley Steele**

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